

REMARKS

This application has been carefully reviewed in light of the Office Action dated May 9, 2008. Claims 1 to 21 are pending in the application, of which Claims 1, 11 and 12 are independent. Reconsideration and further examination are respectfully requested.

The drawings were objected to for various informalities. Specifically, the drawings were objected to for allegedly including reference numbers not mentioned in the description and because of a misspelled word. Submitted herewith are replacement drawing sheets having corrected Figs. 12, 15 and 17. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claims 6, 7, 17, and 18 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being incomplete for omitting essential steps. Without conceding the correctness of the rejection, Applicants have amended Claims 6 and 17 to include the alleged missing step. As Claim 7 depends from Claim 6 and Claim 18 depends from Claim 17, Applicants submit that Claims 7 and 18 now also include the alleged missing step. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 1 to 3, 8 to 14 and 19 to 21 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 6,115,132 (Nakatsuma). Claims 4, 5, 15 and 16 were rejected under 35 U.S.C. § 103(a) over Nakatsuma in view of U.S. Patent No. 6,594,033 (Kujirai). Reconsideration and withdrawal of this rejection are respectfully requested.

Claims 1 to 3 and 11 to 14 were again provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1 to 3, 7, and 13 to 15 of co-pending U.S. Application No. 10/775,090. Without conceding the correctness of the rejection, Applicants submit that the rejection is premature as neither application has been

indicated as having allowable subject matter. Accordingly, Applicants respectfully request that the Examiner hold the rejection in abeyance until such time as one of the applications is allowed.

Claim 11 was objected to as being a substantial duplicate of Claim 1. Without conceding the correctness of the objection, Applicants have canceled Claim 11 without prejudice or disclaimer of subject matter.

Turning to specific claim language, amended independent Claim 1 is directed to a computer-executable print control program stored on a computer-readable medium and executed by an information processing apparatus that transmits print data to an image-forming device which records an image. The program includes code for causing the information processing apparatus to execute a spooling step of further re-spooling, as a second spool file, print data spooled by an operating system as a first spool file; and code for causing the information processing apparatus to execute a transmission step of reading out and transmitting to the image-forming device the print data re-spoiled as the second spool file. The transmission step transmits to the image-forming device a portion of the print data which has already re-spoiled as the second spool file while retaining the other portion in the case that re-spooling in the spooling step is stalled.

Amended independent Claim 12 is directed to an apparatus substantially in accordance with the computer-executable print control program stored on a computer-readable medium of Claim 1.

Applicants respectfully submit that the applied reference, namely Nakatsuma, is not seen to disclose or to suggest all of the features of independent Claims 1, 11 and 12. In particular, Nakatsuma is not seen to disclose or to suggest at least the features of reading out and transmitting to the image-forming device the print data re-spoiled as the second spool file,

wherein a portion of said print data which has already re-spooled as the second spool file is transmitted to said image-forming device while retaining the other portion in the case that re-spooling in said spooling step is stalled.

In contrast to the present invention, Nakatsuma discloses transmitting print data to a network printer 701 after virtual print spooler 801 completes spooling the print data. However, Nakatsuma does not disclose the case where the spooling by virtual print spooler has stalled. In Nakatsuma, spooling is complete when the print data is transmitted to network printer 701. Therefore, there is always a completed spooling as spooling is the first step in a process that includes spooling, requesting the scheduling of printing of the spooled data, receiving a notice that printing can be performed, and the start of the transmission of the data. However, Nakatsuma fails to disclose or suggest causing an information processing apparatus to execute a transmission to the image-forming device the print data re-spooled as the second spool file, wherein said transmission transmits to said image-forming device a portion of print data which has already re-spooled as the second spool file while retaining the other portion in the case that re-spooling in said spooling step is stalled. This is because Nakatsuma always assumes that spooling is completed before any other steps are undertaken.

In addition, Applicants have reviewed Kujirai and submit nothing is seen in Kujirai that cures the deficiencies of Nakatsuma. Kujirai merely discloses transmitting a spool file as a unit of 10 kilo Byte to a printer. However, this transmitting processing is started after spooling and is not started in the case where the spooling is stalled.

In light of the deficiencies of Nakatsuma and Kujirai as discussed above, Applicants submit that amended independent Claims 1, 11 and 12 are now in condition for allowance and respectfully request same.

The other pending claims in this application are each dependent from the independent claims discussed above and are therefore believed allowable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of each dependent claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

CONCLUSION

No fees are believed due; however, should it be determined that additional fees are required, the Director is hereby authorized to charge such fees to Deposit Account 50-3939. The Director is further authorized to charge any deficiency therein, or to credit any overpayment, to Deposit Account No. 06-1205.

Applicants' undersigned attorney may be reached in our Costa Mesa, CA office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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